

## ***Section 2 – Client Services***

### **I. Client Solicitation**

Each subgrantee will publicize the WAP within its geographic area with special attention given to the recruitment of priority groups through:

Placement of WAP information on applications for other services.

Public outreach through presentations to local civic groups, churches, schools and others.

Media efforts through television, radio and newsprint.

### **II. Client Eligibility**

The state income guidelines are set at 200 percent of poverty to comply with the Federal WAP regulations. The annual revisions of poverty income guidelines are published in the *Federal Register* in February. The MDNR/EC will issue a letter of notification to each subgrantee as the revisions are made available. See *Attachment 2-1* at the end of this section for income guidelines.

A subgrantee is authorized to serve clients whose names appear on Low-Income Home Energy Assistance Program (LIHEAP) lists. The Family Support Division (FSD) LIHEAP list should be used by a subgrantee when its waiting list has an insufficient number of clients within any priority to meet the agency's approved client targets. LIHEAP clients must meet the weatherization income guidelines.

#### **A. Definition of Income**

Definition of Income refers to total annual cash receipts before taxes from all sources, with the exceptions noted in *Attachment 2-1*. Income data for a part of a year may be annualized in order to determine eligibility. For example, multiplying by two the amount of income received during the most recent six months.

#### **B. Income Verification**

To compute the annual income, (1) figure income for the preceding six months prior to the time of application and multiply by two, or (2) use 12 months of income. All income certification is good for 12 months. If the certification is more than 12 months old at the time of the energy audit, the agency must recertify the client, using income guidelines in effect at that time. A "Reverification of Income" form must be completed (*see Section 4*). This form is an agency-developed form that is required if the application is more than one year old at the time of the energy audit. This form should be signed and dated by the client and designated agency personnel. The MDNR/EC recommends that if the client's application is more than one year old at the time of the energy audit, the client be required to return to the county outreach office to

provide current income documentation. This information should be copied and kept in the client file for reference.

All households that contain a member who has received cash assistance payments under Title IV or XVI of the Social Security Act or applicable State or local law during the 12-month period preceding the determination of eligibility for weatherization are eligible for the U.S. DOE Weatherization Program. The income calculation for clients receiving cash assistance payments under Title IV and XVI of the Social Security Act for the following programs: Temporary Assistance for Needy Families (TANF), previously known as Aid to Families with Dependent Children (AFDC), and Supplemental Security Income (SSI), can be determined using only one month of income. Households receiving cash assistance from TANF or SSI are automatically eligible for the Weatherization Program.

### **III. Client Selection**

The Missouri Energy Center is in the process of implementing a web-based database to assist with reporting, tracking, data retention, etc. This web-based system will assist with client selection through a standardized, points based waiting list that includes the following factors to determine waiting list priority: elderly, persons with disabilities, children, number of household members, household income, primary fuel type, date of application, and optional criteria such as January fuel cost, and “Other”, which would include emergency type of situations such as, “no heat” or “disaster”. Currently, the following two methods may be used to determine client priority:

#### **A. Two Methods: Fuel Consumption Weighted and Demographic Priorities**

The subgrantee may use either one of two methods for selecting clients: the Fuel Consumption Weighted Priority System or the Demographic Priority System. The selected method shall be used for the entire program year, except as provided otherwise under the WAP procedures.

Either selection method provides the subgrantee the means to assure those particularly vulnerable such as: (1) the elderly (defined as an individual 60 years of age or older); (2) the handicapped (as defined in Section 7(6) of the Rehabilitation Act of 1973); (3) the disabled [as defined in Section 1614(a)(3)(A) or 223(d)(1)]; or (4) those receiving benefits under Chapter 22 or 156 of Title 38, United States Code.

Children are defined as dependents not more than 19 years old. Low-income dwellings, owned or rented, single or multi-family, are eligible for selection or addition to the waiting list.

##### **1. Fuel Consumption Weighted Priority**

The Fuel Consumption System adds a weighted value regarding fuel consumed to the criteria for ranking and selecting clients. Other categories for receiving values include: (1) elderly, (2) handicapped, (3) large families, (4) very low income households, (5) households with heating costs over 50 percent of monthly income, (6) length of time on

any applicable waiting list, or (7) other unusual circumstances. See *Attachment 2-2* for a sample fuel consumption form.

## **2. Demographic Priority**

A selection or waiting list must be maintained, in chronological order, according to the client's application date, to certify clients for eligibility. Elderly, handicapped and children will be prioritized by the subgrantee based on its past experience and the current service area demographics.

## **B. Emergency Responses**

The subgrantee may use up to 5 percent of its budget for emergency responses from December through February. These services are to be provided on an immediate basis to clients who can provide a valid physician's statement stating that the client faces a health-threatening situation directly related to the physical condition of the patient's home. The physician statement must be signed by a qualified medical provider (medical doctor). The subgrantee must verify that these conditions exist at the client's home through a qualified independent source, such as a county health official, local health department officer, Red Cross representative or DFS caseworker. Confirmation must be documented in the subgrantee's client files and must be signed by the independent source. Acceptance of confirmation documentation from any source other than those previously listed must receive prior approval from the MDNR/EC.

Additional policies that shall govern use of WAP funds for emergencies:

Maximum cost limitations will be followed as with service to other clients.

Only a limited number of homes may be served under the emergency service category.

Only clients who are (1) eligible for the WAP and (2) on a subgrantee waiting list will receive services.

## **C. Modification Of Selection Process**

A subgrantee may modify their normal selection process by advancing up to twenty percent (20%) of the clients on the waiting list to allow the most efficient use of weatherization resources. An example of this type of variance may occur when special designated funding has been allocated to a subgrantee with specific client requirements and/or limited grant periods.

# **IV. Dwelling Characteristics**

## **A. Documentation Requirements**

A subgrantee shall maintain a geographic cross-reference file that documents the WAP services performed on specific homes and shall consult this file prior to weatherizing a home to determine

if the home has been previously weatherized. The subgrantee is required to record, on a high-quality, long-lasting material, in two locations, the name of the homeowner, the date the home was weatherized, and the agency job number.

In a site-built home, this information shall be attached to the basement floor joist (preferred), attic rafter, electrical panel, domestic water heater or heating system. For mobile homes, place this information on the heating system compartment (preferred), water heater compartment, electrical panel, domestic water heater or heating system. Until the information has been recorded, the home is not considered “completed.” Subgrantee pre-inspectors shall not authorize WAP services before checking the above locations for proof of prior service.

People applying for re-weatherization must be placed on the waiting list in an order commensurate with the time of reapplication. Before further WAP services are approved, recertification for income eligibility is required.

## **B. Dwelling Eligibility**

### **1. Single Family**

Single-family rental or owner-occupied units will remain the priority for weatherizing because multi-family units tend to not consume as much energy per family as single-family units. According to the federal regulations, homes previously weatherized before September 30, 1994 are eligible to be re-weatherized. Homes weatherized under this provision are counted as homes completed and should be reported in a separate category on the monthly report. However, DOE reminds local agencies to be prudent in selecting previously weatherized homes to revisit due to the fact there remains more than 28 million federally eligible households that have received no Weatherization services to date.

### **2. Multi Family**

Multi-family dwellings that receive WAP services must use the following guidance:

- a) Single-family unit cost limitations apply.
- b) Total cost may not exceed the maximum cost allowance multiplied by the total number of eligible units.
- c) A unit cost waiver does not apply.

### **3. Proof of Home Ownership**

Proof of ownership is required to be provided by the client at the time of application. Proof of ownership may include, but is not limited to:

- a) A copy of a recorded Missouri Deed
- b) A recorded mortgage agreement

- c) Proof of payment of property taxes
- d) A copy of a current homeowner's insurance policy
- e) Title or a recorded mortgage agreement for a mobile home.
- f) A Contract for Deed is an allowable document to provide proof of home ownership, however the contract must be recorded with the County Recorder of Deeds Office in the county where the home is located. The client must provide a copy of the recorded contract or an agency employee may verify that the contract has been recorded on the property's deed by contacting the County Recorder of Deeds Office. This verification must be included in the client's file. If the Contract for Deed is not recorded, then the home must be considered a rental unit and rental procedures and policies would apply. (See VII. Rental Properties, Section 2, page 9).
- g) Probate Property Transfer is defined as any application received from an elderly person (or people) for whom the applicant has deeded the property to his or her offspring. The application will be reviewed for assurance that the property transfer took place in an effort to prevent probate issues. Provided proper assurances are in place, the property may be treated as "owned property" for purposes of weatherization. The proper assurances will include an interview with the applicant to determine why the property was deeded. If the response is appropriate to the issue, the offspring must sign an affidavit that they will not charge rent or displace the applicant as a result of weatherization. Each application must be reviewed on a case-by-case basis. In the event there are no related offspring to whom the property may be deeded, the ownership decision will be based on the interview. In any event, the "grantee" to the property must sign the appropriate affidavit.

#### **4. Weatherizing Shelters**

A shelter is defined in 10 CFR Part 440.3 as a dwelling unit or units whose principal purpose is to house, on a temporary basis, individuals who may or may not be related to one another and who are not living in nursing homes, prisons, or similar institutional care facilities.

Subgrantees are authorized to weatherize shelters for the homeless, group homes or homes providing transitional living if the buildings are owned or rented by a not-for-profit agency and are used exclusively to provide temporary living quarters for the homeless, battered women or other WAP-eligible people as defined under 10 CFR Part 440.3. To calculate the number of units, use either of the following methods.

- a) Square Footage: Divide the total square footage of living space by 800 and round to the nearest whole number. To determine allowable funding, multiply the rounded number by current allowed expenditure per home.
- b) Each Floor: Count each floor as a separate dwelling unit.

### **C. Homes Designated for Acquisition or Clearance**

Homes located in areas designated for acquisition or clearance by a Federal, State or local program within 12 months from the date of weatherization of the dwelling unit shall not be weatherized.

### **D. Homes Damaged By An Act of God**

WAP funds may be used to weatherize a home previously weatherized if the home has been damaged by a fire, flood or act of God providing the repair of damages to the WAP materials is not paid for by insurance.

If a home has been partially damaged, damaged WAP materials may be replaced. A Subgrantee should identify this as a home on which additional work was required and charge the cost of materials to "Materials on Homes Completed." It should not be reported as a new completion.

If the home has been significantly damaged, restored or completely rebuilt, it may be completely re-weatherized and reported to MDNR/EC as a newly completed home. People applying for re-weatherization must be placed on the waiting list in an order that corresponds to the time of reapplication. Before further WAP services are approved, recertification for income eligibility is required.

### **E. Flood Plain**

Federal funds may not be used to weatherize a home located in an area that has been identified by the Federal Emergency Management Agency (FEMA) as a flood plain if the community in which the home is located has chosen not to participate in the National Flood Insurance Program (NFIP) (Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Statute 975).

FEMA identifies a community as a village, town, city or county. If a community with an identified flood plain is not a participant in the NFIP, the community is "sanctioned," meaning that federal funds may not be used for projects located within the flood plain area. Therefore, individual eligibility for WAP services in the area depends upon community participation in the NFIP.

For copies of the *National Flood Insurance Program Community Status Book*, which identifies sanctioned communities, please write or call:

Federal Emergency Management Agency (FEMA)  
Region VII  
9221 Ward Parkway, Suite 300  
Kansas City, Missouri 64114-3372  
Telephone: (816) 283-7063

The *National Flood Insurance Program Community Status Book* can also be found online at: <http://www.fema.gov/fema/csb>

FEMA has prepared maps that identify flood plains. A home located in a sanctioned community, but not within the flood plain, may be weatherized. Copies may be obtained through the local county or municipal government.

## **V. Disaster Plan**

Declaration of a disaster for WAP purposes is determined by a Presidential or Gubernatorial order declaring either a Federal or State emergency. It may be the result of natural or man-made factors. It is the responsibility of the MDNR/EC Weatherization Assistance Program, through its subgrantee network, to assist state and community authorities in normalizing areas affected by a disaster by providing WAP resources to assist Missouri low-income citizens in recovering and rebuilding after the disaster. The Weatherization Program will adhere to the following guidelines when responding to any disasters in which the low-income population has been affected. These guidelines are intended to maximize the assistance we are able to provide while protecting the limited resources of the program.

Disaster-mitigation planning activities shall be implemented as soon as practical after the declaration of a disaster. A WAP subgrantee shall not commit WAP resources (labor or financial) until it receives approval from the MDNR/EC.

Any additional disaster-related funds will be allocated based on the extent of the disaster in each subgrantee area. Funds must supplement, not supplant, other funds available for disaster assistance. All funds received by the client to cover damages must be considered prior to the allocation of WAP resources. *Attachment 2-3*, the Disaster Certification form located at the end of this section, should be completed for each client requesting disaster assistance.

Safety measures, such as levees or other protections, should be in place prior to mitigation activities. Agency staff should consult with local utilities to ensure electric, gas and sewer hazards have been corrected or repaired.

### **A. Allowable Disaster Activities**

Allowable disaster activities may include sandbagging, evacuation of low-income populations, debris removal and other clean-up work as well as normal weatherization services. If agency staff is assigned to another area of the state to assist in disaster activities, it will be the parent subgrantee's responsibility to maintain their salaries and to arrange for agency reimbursement. The following ECM priority list is recommended for disaster homes.

Labor for gutting damaged components of the house and debris clean up.

Primary heating system replacement and repair (including ductwork repair; replacement, cleaning and sealing of all joints; and venting, flue and chimney replacement, repair and cleaning).

Domestic water heaters (venting and flues included).

Window and door repair and/or replacement.

Air sealing (basic infiltration and exfiltration work).

Attic insulation and ceiling coverage.

Wall insulation.

Restoration of electrical power (From electrical meter into the house).

Increased Incidental Repair costs (DOE approval must be given).

Specific procedures to weatherize mobile homes under the disaster provisions are found in *Attachment 2-4*.

## **B. Eligibility Requirements**

WAP subgrantees must ensure that applicants for disaster assistance (1) meet the current eligibility requirements, (2) are located within the designated disaster area and (3) have been directly affected by the disaster. Homes located in a FEMA-sanctioned area are not eligible for assistance.

Applicant homes must be certified as habitable, and a disaster certification form must be completed, signed and retained in the client file. The owner of a rental unit must list the property with Section 8 or provide other proof that the unit will remain exclusively for the low-income. A landlord contribution, based on a sliding scale, will be required (if a landlord contributes a furnace or other material, its value can be counted toward the contribution).

Client income eligibility may be based on one month's income. The fuel priority selection criteria allows for up to 100 points for disaster clients. Victims needing heating system or water heater repair or replacements will be served first.

Disaster-damaged homes may be re-weatherized without regard to the initial date of weatherization if the damage is not covered by insurance or other sources of assistance such as FEMA. Victims may receive repair or replacement to domestic hot water heaters as a health-and-safety measure. Repairs to the building structure that exceeds the allowable cost limits must be approved by the state before work occurs.

## **C. Equipment Procurement**

All purchased items should meet minimum energy-efficiency ratings as detailed in 10 CFR 440, Appendix A. Subgrantees must comply with all requirements specified in 10 CFR Parts 600 and 440, OMB A-87 (if applicable), the requirements specified in the MDNR General Terms and



Conditions for Federal Subgrants and Missouri Weatherization Operational Program Manual's Competitive Procurement Standards. (See Section 6, Procurement).

#### **D. Additional Funding**

If additional funds are received, a subgrantee may allocate up to \$10,000 per unit. If no additional funds are received, the state plan cost limits apply. Program operations money may be used to support mitigation and clean-up activities. No additional administrative funds will be provided for disaster work.

#### **E. Disaster Expenditures Accountability and Reporting**

Disaster expenditures must be accounted for and reported separately from other costs. The monthly report must show these expenses under “other.” The costs will not be included in the averages. Budget adjustments must be made within 30 days of the date of the incurred costs.

### **VI. Low-Cost/No-Cost Materials**

The WAP requires that clients be served as stated in the client selection section. Subgrantees may submit a budget for low-cost materials. No more than 1 percent of any subgrantee’s funds may be transferred to the “low-cost/no-cost” category, and no more than \$50 shall be spent on any home.

The subgrantee will not pay any personnel costs from any state or federal weatherization fund to install the materials. Only clients who are eligible for the WAP and who are on a subgrantee’s waiting list will receive services. Upon approval by the state, these costs will be placed in the WAP budget revision under the “low-cost/no-cost” category and will be used to provide WAP measures for applicants on a subgrantee’s waiting list. The materials to be used are only those necessary to seal major sources of air infiltration in the home. This measure is temporary and should not be perceived as a permanent solution. A subgrantee should seek other resources to meet more serious client needs.

Subgrantees that use low-cost/no-cost measures must use a group of volunteers, organized by an entity of government or by a private, not-for-profit organization, to install the materials. If a subgrantee is unable to organize such a group in that service area, the area cannot receive low-cost/no-cost services. This effort must include public announcements of the availability of the WAP. The subgrantee must ensure that an adequate volunteer system for installing low-cost/no-cost materials on eligible dwellings is developed. Subgrantee staff, or those people indirectly paid from WAP funds, cannot be utilized to install low-cost/no-cost materials.

### **VII. Rental Properties**

Each subgrantee must solicit property owners to contribute to the upgrades on all rental units.

## A. Special Requirements

MDNR/EC permits rental units to be weatherized using special considerations. When work is performed on any type of rental unit, MDNR/EC recognizes a potential for owners to receive undue enhancement benefits. A building containing rental units may be weatherized if it is in compliance with income criteria and:

- The subgrantee has written permission from the owner or his agent. Such written permission shall be kept permanently in the file of the client whose unit is weatherized. (See *Attachment 2-5* for Owner/Authorized Agent Certification).
- Not less than 66 percent (50 percent for duplexes and four-unit buildings, and certain eligible types of large multi-family buildings) of the dwelling units in the building:
  - (1) Are eligible dwelling units;
  - (2) Will become eligible dwelling units within 180 days under a local government, state, or federal program for rehabilitating a building, or making similar improvements, to the building.

In the Final Rule, published in the Friday, December 8, 2000, Federal Register/Vol. 65, No, 237, DOE offered flexibility by adding certain eligible types of large multi-family buildings to the list of dwellings that are exempt from the requirement that at least 66 percent of the units must be occupied by income eligible persons. In these large multi-family buildings, as few as 50 percent of the units, would have to be certified as eligible before Weatherization can be offered. This exception would apply only to those large multi-family buildings where an investment of DOE funds would result in a significant energy-efficiency improvement because of the upgrades to equipment, energy systems, common space, or the building shell. By providing this flexibility, local agencies will be better able to select the most cost effective investments and enhance their partnership efforts in attracting leveraged funds and/or landlord contributions. This flexibility does not apply to any other type of multifamily unit.

- The subgrantee has:

A signed statement from the landlord that rent will not be increased because of the WAP service that has been provided. (See *Attachment 2-5* for Owner/Authorized Agent Certification.)

Not unduly or excessively enhanced the value of large multi-family structures. A cost analysis shall be performed as required in the Missouri WAP Plan.

## B. Contributions

The MDNR/EC recognizes a potential for owners to receive undue enhancement benefits. Therefore a subgrantee is required to negotiate with an owner/landlord for match

contribution. Landlords must provide a minimum of a five percent (5%) cash contribution of estimated labor and material project costs before weatherization work can begin on a home. This requirement will take effect for any Weatherization applications approved after July 1, 2008.

The requirement that the owner/landlord provide a minimum of a five percent (5%) cash contribution to the project will be waived if the owner/landlord's annual taxable income is at or below two hundred percent (200%) of the federal poverty level. In order to receive this waiver, the owner/landlord shall sign and submit to the subgrantee an affidavit, under penalty of perjury, certifying that his or her taxable income is at or below two hundred percent (200%) of the federal poverty level. The affidavit must be notarized. (For sample affidavit see *Attachment 2-6*).

The amount of contribution above the minimum required five percent (5%) cash contribution is left to the judgment of the subgrantee. However, for multi-family structures with five or more units, the State has determined the owner/landlord will be required to contribute a minimum of a twenty-five percent (25%) of the weatherization project cost. A subgrantee is urged to coordinate this service with other resources whenever possible to achieve maximum benefits.

**Contributions received from the owner/landlord are not to be reported as Program Income and should be applied to the cost of the home being weatherized in order to reduce that home's weatherization expenditures.**

### **C. Undue Enhancement**

Undue enhancement is any work performed on a dwelling that cannot be expected to directly result in energy savings or the preservation of agency-installed work related to energy savings. Rental units are not eligible to receive furnace, refrigerator, or water heater replacements as this has been determined to be undue enhancement. Subgrantees should only perform weatherization work that is based on the use of NEAT or MHEA weatherization measures, as well as limiting repairs to the definition of incidental repairs.

### **D. Dispute Resolution Procedures Involving Rental Units**

In the event the client believes the Owner/Authorized Agent Certification agreement has been violated, he or she may notify the subgrantee providing WAP services. The subgrantee must make an effort to apprise the landlord of the situation. If the landlord does not agree to correct the alleged violation, the subgrantee must defer to MDNR/EC. MDNR/EC will make all efforts to contact the landlord and resolve the complaint. If the situation cannot be resolved at the MDNR/EC level, MDNR/EC will advise the subgrantee to request the client/tenant to contact Legal Services of Missouri. (See *Attachment 2-7* for Legal Services of Missouri). The subgrantee will be responsible for following up with the client to determine if the complaint was resolved. MDNR/EC must be notified that a resolution was reached.

## **VIII. Client Education**

Client education is an effective method of improving the impact of WAP measures. These efforts include fact sheets, brochures, the State MDNR/EC WAP website, and one-on-one contact. Subgrantees play a vital role in expanding client education activities at the local level. Local activities include client workshops, providing Energy Saver Booklets, client interviews and instruction when auditing and final inspecting the home, the explanation of information found in the Lead and Mold EPA pamphlets, local newspaper articles, and radio and television spots.